REMARKS:

Claims 25, 28, 29, 32 and 33 are in the case and presented for consideration.

Previously presented claims 25, 28, 29, 32 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US. Patent 6,484,473) in view of Massarsch (US. Patent 5,085,539).

The United States Supreme Court in KSR v. Teleflex held that the Examiner must find some reason for combining features from the prior art references to meet the claims. However, in this case the features of excavating an earth base course, overfilling the compartments of a cellular foil with fill so that the fill extends above the height of the cellular foil and then compacting the fill are not present in either Hall or Massarsch. Additionally, in light of the reasons stated below, even if they were present, a person of ordinary skill in the art would not find it obvious to combine them.

Applicant respectfully disagrees with Examiner's contention that excavating an earth base course is inherent in the Hall reference. Hall states that

> "The support structure formed according to the method of the invention may be for example a roadway or a paved area: a lining for a canal, river, drain or spillway or the like; a support for an embankment; a dam or harbour wall; or any other suitable support structure. This method is of particular application for the production of structures such as roads, canals, drains and spillways."

Col.6 ln.45-52. When compared to floors which are meant to bear the weight of things such as "factory buildings, … freezing plants, [and] supermarkets …" it becomes clear that the surfaces mentioned in the references are designed to carry a relatively small amount of weight.

It is common knowledge in the art of building foundations, that in general, the heavier a structure is or the more weight it needs to support, the deeper its foundation must be. The deeper a foundation is, the greater the degree of excavation which is needed to accommodate it. Because the structures mentioned in the cited references are not meant to carry heavy loads, their construction does not require creating a foundation and hence no excavation is need in their construction. Thus, the step of excavation, is not inherent in the Hall reference.

Furthermore, a person of ordinary skill would not combine Hall with either overfilling the tube components with filler material so that the fill extends above the height of the tubes. In Hall, it is the undesirable formation of filler material on the top of the tube compartments (produced by buckling of the tube walls) that Hall seeks to avoid. Hall discloses that

> "as more of the filler material is poured onto the framework 100, the walls 102 may begin to buckle as illustrated. This is particularly the case when the material from which the framework [of the compartments] is made is very flexible. Thereafter, as the compartments 104 can no longer receive filler material, a layer 110 of filler material forms on the top of

> the compartments 104. The net result of this is that the support structure so formed will be liable to uncontrollable cracking."

Col. 3, line 66 to Col. 4, line 7.

Moreover, there is no reason why a person of ordinary skill in the art would combine Hall with compacting the overfill. In fact, Hall itself teaches against making such a combination. Hall states

> "it has been found that in certain circumstances when the compartments are being filled with the filler material, the walls of the compartments, being flexible, buckle or collapse, which then causes various additional problems such as the creation of a layer of filler material on top of the cells, sometimes a layer of filler material underneath the cells. and gaps or cracks between adjacent blocks, all of which lead to a support structure which is not suitable to perform the required function."

Col.1 ln.26-35. If merely filling the cellular layer with fill can cause the walls of said layer to break and buckle, it follows that overfilling and then "compacting the fill (4) over the cellular foil by at least eight travels of a roller of 10 to 11 metric tons" would greatly expedite the undesired breaking and buckling.

However, in the present invention, the steps of over filling and the compacting are critical to the creation of subsoil with uniform load-bearing capacity and equal degree of settlement.

Accordingly, because neither Hall nor Massarsch teach the steps of excavating a earth layer, overfilling the compartments of a cellular foil with fill so that the fill extends above the height of the cellular foil and then compacting the fill, and because it would not be obvious to a person of ordinary skill to combine these steps with that of the cited references, the application and claims are believed to be in condition for allowance and favorable action is respectfully requested.

No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Favorable action is respectfully requested.

Respectfully submitted,

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